

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated March 17, 2011. Claims 1, 3 to 7, 9 to 12, 15, 17, 18, 20, 22 to 26, 28 to 31, 34, 37 to 40, 41, 47 to 50, and 57 have been amended for clarity. Please charge Deposit Account No. 02-1818 for any fees due in connection with this Response.

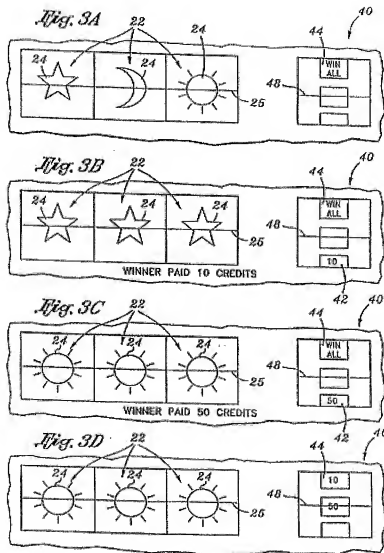
The Office Action rejected:

- (1) Claims 1 to 5, 7 to 24, 26 to 39, 41 to 44, 47, 48, 50 to 52, and 55 to 57 under 35 U.S.C. § 103(a) as being unpatentable over *Cole*, et al., U.S. Patent Appl. Pub. No. 2001/0054794 ("*Cole*"), in view of *Adams*, U.S. Patent No. 6,494,454 ("*Adams*"); and
- (2) Claims 6, 25, 40, 45, 46, 49, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over *Cole* in view of *Adams* and *Barrie*, U.S. Patent No. 5,833,537 ("*Barrie*").

1. **The rejection of Claims 1 to 5, 7 to 24, 26 to 39, 41 to 44, 47, 48, 50 to 52, and 55 to 57 under § 103(a) as being unpatentable over *Cole* in view of *Adams*.**

Cole's Abstract teaches "[a] game having a bonus feature and a gaming apparatus for presenting the game." One embodiment of *Cole*'s game includes the following steps: "a player placing a wager, spinning a plurality of first reels having indicia thereon, determining if indicia displayed by the plurality of first reels associated with a first pay line comprises a predetermined winning combination, and if so, paying a first award and then associating that first award with at least one bonus game." Subsequently, the player may play the bonus game and win one of the awards associated with the bonus game.

Paragraphs [0092] to [0093] and Figures 3A, 3B, 3C, and 3D of *Cole*, reproduced below, describe an embodiment of *Cole*'s game.



[0092] An example of the play of a game in accordance with the above-method will now be described with reference to FIGS. 3(a)-(d). First, a player inserts money for playing the game. In one embodiment, the player is then permitted to either spin the bonus reel or the main game reels. If the bonus reel is empty, it is presumed that the player will likely elect to spin the main game reels 22. Presume that the player receives the combination of indicia comprising the symbols of a star, moon, and sun (see FIG. 3(a)) and this is a non-winning combination. The player is declared a loser and it is next determined if the player is entitled to play the bonus game. In one embodiment, the player is automatically entitled to play the bonus game. In another embodiment, since the player has not yet won the main game, unless one or more indicia 42 are associated with the bonus reel 40 from a prior game to played by another player, then the

player is not permitted to play the bonus game. Presuming that one or more indicia/values are associated with the bonus reel 40 (for example, if the previous player of the apparatus spun the bonus reel on their last play, then all of the indicia would have been removed from the bonus reel 40 in step S13 and the bonus reel is empty except for the "win all" indicia 44, as illustrated in FIG. 3(a)), then the player must place another bet to continue.

[0093] Presume that in the next spin the player received the combination of three stars on the main game reels 22, and that this combination entitled the player to a winning of 10 credits, as illustrated in FIG. 3(b). The player is paid this amount and then the value "10" is associated with one of the locations or positions on the bonus reel 40. Next, the player is entitled to spin the bonus reel 40. The player elects not to, but instead elects to continue to play the main game. Presume the player plays the game until he has received additional wins from the main game of 20 and 50 credits and these values have also been associated with the bonus reel 40, as illustrated in FIG. 3(c). Next assume that the player wishes to spin the bonus reel 40. At this time, the player has the opportunity of receiving no win, a win of 10, 20 or 50 credits, or a "win all," which comprises the total of all the values on the reel 40—in this case $10+20+50=80$. Based on the outcome of the spin, as illustrated in FIG. 3(d), the player received a bonus win of 50 credits. The player is either not declared a winner or is a winner and paid the winning amount. As illustrated in FIG. 3 (d), the player received a bonus win of 50 credits.

Thus, it appears that, in this embodiment, *Cole* generally teaches: (1) accumulating potential awards over a plurality of plays of a wagering game; (2) after a potential award is accumulated, allowing the player to cause a random selection of one of the accumulated potential awards (or a no award outcome if less than a maximum number of potential awards have been accumulated); and (3) upon the player causing the random selection of one of the accumulated potential awards (or the no award outcome), randomly selecting one of the potential awards (or the no award outcome), and providing the randomly selected award (or if selected the no award outcome) to the player.

Paragraphs [0100] and [0101] of *Cole* describe an embodiment in which the player may save accumulated potential awards for use in a future bonus game.

[0100] In one embodiment, a player may be provided with a personal "treasure chest" of won indicia which the player may save and utilize when playing future games. As an example, a player may the main game three

times and have three indicia associated with the bonus event. In a preferred embodiment, the player is permitted to take those indicia and use them in a future game. In one embodiment, the player is provided with a player card, file or other means for storing information regarding the indicia. For example, the player may utilize their player tracking card to identify themselves and the indicia may be stored (in the form of data) on the card (such as on a magnetic stripe or chip). Alternatively, the data may be stored at a file at a remote server or other location.

[0101] As in the example provided above, when a player has won three bonus game indicia, if that player does not at that particular time wish to play the bonus game and use the indicia, the player may be provided an opportunity to save the indicia. When playing a particular game or when beginning play of a game, the player may elect to use those saved indicia. Those saved indicia may be associated with the bonus event of a new game which the player is playing. In one embodiment, a player may select one or all of the stored indicia for use in a later game. In one embodiment, all unused bonus indicia may be automatically stored at the end of a game session.

Thus, in this embodiment, *Cole* appears to teach enabling a player to: (1) accumulate potential awards over a plurality of plays of the game; (2) store one or more of the accumulated potential awards; and (3) use the stored accumulated potential awards in a future bonus event of a new game.

Page 4 of the Office Action acknowledged that *Cole* does not teach "that the modifier is automatically used." The Office Action relied on *Adams* to remedy these deficiencies of *Cole*.

Adams's Abstract teaches a game that "provide[s] a player, who has received a wild indicia during one game, with the opportunity to reserve that wild indicia for use in a subsequent game." In one embodiment, the game of *Adams* is a draw poker game. In the draw poker game, if a player receives a wild card the player may provide an indication that the player wants to reserve the wild card for use in a future game of the player's choosing. The wild card is then displayed in a reserved card area, and the player may choose to utilize the wild card in a future hand of the draw poker game.

For at least the following reasons, Applicant respectfully disagrees with the Office Action's rejection and submits that the rejection should be withdrawn.

First, Applicant respectfully disagrees with the Pages 2 to 3 of the Office Action, which interpreted the "winning [symbol] combinations [of *Cole*] that trigger a winning amount to be paid and associated with the bonus reel" as the modifier activator symbol of amended independent Claim 1. Amended independent Claim 1 recites "a primary game including a plurality of reels having a plurality of symbols, said symbols including at least one modifier activator symbol." Thus, the modifier activator symbol of amended independent Claim 1 is a single symbol, not a combination of symbols as alleged by the Office Action. For at least this reason, Applicant respectfully submits that the rejection should be withdrawn.

Second, Applicant respectfully disagrees with Page 4 of the Office Action, which asserted that *Adams* teaches "that a player can select a modifier and automatically use the modifier in subsequent primary games." *Adams* enables a player to reserve a generated and displayed wild symbol for use in a subsequent play of its game. The player chooses which subsequent play of the game in which to use any reserved wild symbol. Since the player chooses when to use any reserved wild symbol, *Adams's* game does not automatically apply the reserved wild symbol to a subsequent play of the game. For at least this reason, Applicant respectfully submits that the rejection should be withdrawn.

Assuming, arguendo, that the winning symbol combinations of *Cole* may properly be interpreted as modifier activator symbols, and that *Adams* teaches automatically applying a player selected modifier to modify at least one function of subsequent plays of a primary game, Applicant respectfully submits that, nevertheless, neither *Cole* nor *Adams*, alone or in combination, renders obvious each and every element of amended independent Claim 1.

First, neither *Cole* nor *Adams*, alone or in combination, renders obvious the following elements of amended independent Claim 1: in response to the display of the modifier activator symbol, display a plurality of different modifiers. *Cole* teaches that when a winning symbol combination (i.e., the alleged modifier activator symbol) appears on the reels, "the amount won or paid to the player for receiving a winning combination

on the main game reels . . . is associated with the bonus reel.” *Cole*, ¶ [0080] (emphasis added). Put differently, in one embodiment *Cole* teaches displaying that single award amount (i.e., the alleged modifier) associated with the winning combination on its bonus reel when that winning combination occurs, not a plurality of different modifiers. *Adams* does not remedy this deficiency. Since neither *Cole* nor *Adams* renders obvious these elements of independent Claim 1, neither *Cole* nor *Adams*, alone or in combination, renders obvious each and every element of independent Claim 1.

Second, neither *Cole* nor *Adams*, alone or in combination, renders obvious the following elements of amended independent Claim 1: after the plurality of different modifiers are displayed, receive, from a player, a selection of one of the displayed plurality of modifiers; after the selection, reactivate the reels a plurality of times; and automatically apply the player selected modifier to modify at least one function of the primary game for each one of said reactivations of the reels. Pages 3 to 4 of the Office Action interpreted *Cole*’s teaching of enabling a player to select one of the values displayed on *Cole*’s bonus reel (i.e., one of the alleged modifiers) and save it for use in a subsequent bonus game as the selection of one of the displayed plurality of modifiers of amended independent Claim 1. See *Cole*, ¶¶ [0100]–[0101]. Under this interpretation, however, *Cole* does not render obvious automatically applying the saved value to modify at least one function of the subsequent primary game for each one of the reactivations of the reels (i.e., for a certain quantity of subsequent reactivations of the reels). Rather, *Cole* teaches displaying the saved value on a bonus reel during subsequent plays of its primary game until the player spins the bonus reel and receives a bonus outcome. Put differently, the saved value of *Cole* may be displayed on the bonus reel for one subsequent play of the primary game or indefinitely—depending upon when the player decides to spin the bonus reel—not for a certain quantity of subsequent plays of the primary game. *Adams* does not remedy this deficiency of *Cole*. Since neither *Cole* nor *Adams* renders obvious these elements of independent Claim 1, neither *Cole* nor *Adams*, alone or in combination, renders obvious each and every element of independent Claim 1.

For at least these reasons, Applicant respectfully submits that amended independent Claim 1 is patentably distinguished over *Cole* in view of *Adams* and in

condition for allowance. Claims 4 to 5, 7 to 17, and 57, which depend from amended independent Claim 1, are patentably distinguished over *Cole* in view of *Adams* and in condition for allowance for the reasons explained above with respect to amended independent Claim 1 and because of additional elements recited in these claims.

Amended independent Claims 18, 20, 37, 38, and 47 include certain elements similar to those included in amended independent Claim 1. For at least the reasons explained above with respect to amended independent Claim 1, amended independent Claims 18, 20, 37, 38, and 47 are patentably distinguished over *Cole* in view of *Adams* and in condition for allowance.

Claim 19, which depends from amended independent Claim 18, is patentably distinguished over *Cole* in view of *Adams* and in condition for allowance for the reasons explained above with respect to amended independent Claim 18 and because of additional elements recited in this claim.

Claims 21 to 24 and 26 to 36, which depend from amended independent Claim 20, are patentably distinguished over *Cole* in view of *Adams* and in condition for allowance for the reasons explained above with respect to amended independent Claim 20 and because of additional elements recited in these claims.

Claims 55 and 56, which depend from amended independent Claim 37, are patentably distinguished over *Cole* in view of *Adams* and in condition for allowance for the reasons explained above with respect to amended independent Claim 37 and because of additional elements recited in these claims.

Claims 39 and 41 to 44, which depend from amended independent Claim 47, are patentably distinguished over *Cole* in view of *Adams* and in condition for allowance for the reasons explained above with respect to amended independent Claim 47 and because of additional elements recited in these claims.

Claims 48 and 50 to 52, which depend from amended independent Claim 48, are patentably distinguished over *Cole* in view of *Adams* and in condition for allowance for the reasons explained above with respect to amended independent Claim 48 and because of additional elements recited in these claims.

2. The rejection of Claims 6, 25, 40, 45, 46, 49, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over *Cole* in view of *Adams* and *Barrie*.

Barrie does not remedy the above-referenced deficiencies of *Cole* and *Adams* with respect to amended independent Claims 1, 20, 38, and 47. Accordingly, Claims 6, which depends from amended independent Claim 1; Claim 25, which depends from amended independent Claim 20; Claims 40, 45, and 46, which depend from amended independent Claim 38; and Claims 49, 53, and 54, which depend from amended independent Claim 47, are patentably distinguished over *Cole* in view of *Adams* and *Barrie* and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L Gates LLP

By: 

Adam H. Masia
Reg. No. 35,602
Customer No. 29159
Phone: (312) 807-4284

Dated: May 18, 2011